

DEPARTMENT OF EMPLOYMENT SERVICES

ONE-STOP CAREER CENTERS

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Government of the District of Columbia
Anthony A. Williams, Mayor
Department of Employment Services
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**CLAIMANT'S RIGHTS
AND RESPONSIBILITIES**

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INTRODUCTION

Unemployment Insurance is a program operated by the District of Columbia to pay benefits to workers who are unemployed through no fault of their own and who are ready, willing, and able to work. The program is administered by the Department of Employment Services. It is financed through taxes paid by employers doing business in the District of Columbia. No deductions are taken from a worker's paycheck.

This booklet is designed to help you understand the Unemployment Insurance Program and to inform you of your basic rights and responsibilities.

The statements contained herein are for information purposes and do not have the effect of law or regulation.

THE WAGE REQUIREMENTS

To be eligible for unemployment insurance benefits, you must meet the following wage requirements:

- You must have wages in at least two quarters of the base period.
- You must have at least \$1,300 in wages in one quarter of the base period.
- You must have at least \$1,950 in wages for the entire period.
- Your total base period wages must be at least one and one half times the wages in your highest quarter or be within \$70 of that amount.

The base period is a 12-month period that is determined by the date you file your claim. To find out the base period of your claim, use the following chart:

**If your claim is filed
in the first full week
of the month:**

**Your base period
is the 12-month
period ending
the previous:**

January, February or March:

September 30th

April, May or June:

December 31st

July, August or September:

March 31st

October, November or

December:

June 30th

Base period wages may be from District employers, the District government, the federal government, the U.S. Military, or from employers in other states.

The following additional wage requirement must be met in cases where you are filing back-to-back initial claims:

- Between the date you filed your first claim and the date you filed your second claim, you must have been paid wages equal to at least ten (10) times the weekly benefit amount of the first claim you filed. For example, if you filed your first claim on April 15 and your second claim on April 17 of the following year, and the weekly benefit amount of your first claim was \$200, you must have been paid wages of at least \$2,000 between these two dates.
- These wages must be in covered employment; that is, you must have worked for an employer covered by the unemployment compensation program.

ALTERNATIVE BASE PERIOD

For all new claims filed effective July 6, 2003, or later, the District will begin to use what is called an “alternative base period” in those cases where a claimant is not monetarily eligible under the regular or standard base period.

The alternative base period consists of the four most recently completed calendar quarters prior to the date you first file your claim for benefits. To determine the alternative base period of your claim, use the following chart:

**If your claim is filed
in the first full week
of the month:**

**Your base period
is the 12-month
period ending
the previous:**

January, February or March:

December 31st

April, May or June:

March 31st

July, August or September:

June 30th

October, November or December:

September 30th

NOTICE OF MONETARY DETERMINATION

Within a week after you file your initial claim, you should receive in the mail a Notice of Monetary Determination. This will indicate your weekly benefit amount, your maximum benefit amount, the date your benefit year ends, the base period of your claim, and the wages used to calculate your claim. If you are not eligible, the notice will indicate the monetary requirement that you did not meet.

If you worked during the base period outside of the District of Columbia, or for the federal government, or if you were in the military service, wages from such employment may not be shown on your initial Monetary Determination. Your claim will be redetermined when these wages are received, and a revised Notice of Monetary Determination will be mailed to you.

Carefully review every Notice of Monetary Determination that you receive. If your Monetary Determination includes wages which are not yours, or if part or all of your wages in the base period are missing, you should report to your One-Stop Career Center and request a reconsideration. Requests for reconsideration must be filed within ten (10) calendar days of the date the notice was mailed to you. The last day for filing a timely appeal is indicated at the bottom of the Notice of Monetary Determination. Bring with you any evidence of missing wages, such as W-2 forms, or paycheck stubs. Your request for reconsideration will be processed, and you will be notified by letter or by a revised Notice of Monetary Determination of the findings. If you disagree with these findings, you have the right to appeal. Instructions for appealing are included in the letter or Notice of Monetary Determination that you receive.

OTHER ELIGIBILITY REQUIREMENTS

In addition to wage requirements, you must also meet the following requirements:

- You must be unemployed through no fault of your own.
- You must be available for work. This means that you must be ready and willing to accept work considered suitable for you because of your past training, education, or experience.
- You are required to make at least two job contacts each week.
- You must make a personal and continuing effort each week to attain gainful employment, using methods that are customary for your occupation. In most occupations, you must apply for work in person. Periodically, you may be required to report to your One-Stop Career Center to demonstrate your work search activities. You should, therefore, keep a record of your work activities.

- You must be physically able to work. You cannot collect benefits while you are sick, injured, or disabled.
- You must not be receiving or seeking unemployment benefits from another state.
- You must register as instructed at your One-Stop Career Center.
- You must report as directed. This includes reporting for eligibility reviews and Benefit Accuracy Measurement interviews. It also includes submitting mail claims as instructed, reporting to the One-Stop Career Center within the specified time when your mail claim has not been received, and submitting documents required to establish U.S. citizenship or legal alien status.

NOTIFICATION TO LAST EMPLOYER

Once a claim is filed, notification is sent to your last thirty (30)-day employer, requesting separation information.

A Claims Examiner may contact you by telephone to secure information about the circumstances of your separation from your last thirty (30)-day employer, your physical ability to work, or your availability for work.

DISQUALIFICATIONS AND INELIGIBILITIES

You may be disqualified from receiving benefits or held ineligible for any of the following reasons:

- Voluntarily leaving your last thirty (30)-day employer without good cause connected with the work;
- Being discharged by your last thirty (30)-day employer for gross misconduct;
- Being discharged by your last thirty (30)-day employer for misconduct other than gross misconduct;

- Refusing to apply for or accept suitable work without good cause;
- Participating in a labor dispute other than a lockout;
- Being unable to work or unavailable for work;
- Failing to register as directed with the One-Stop Career Center;
- Failing to report as directed;
- Failing to participate in reemployment services;
- Failing to attend a training course recommended by the Department of Employment Services;
- Not being authorized to work, if you are an alien;
- Having a reasonable assurance of continuing employment.

This applies to all employees of educational institutions during the period between successive academic years or terms and during holiday breaks, if they have been given a reasonable assurance of returning to employment when school resumes.

This requirement also applies to members of sports teams between sport seasons if they have a reasonable assurance of reemployment in the next season.

NOTIFICATION OF DISQUALIFICATION/ INELIGIBILITY AND RIGHT TO APPEAL

If you are disqualified or held ineligible to receive benefits, you will receive a written Notice of Determination from a claims examiner that advises you of the reason(s) and the period of time covered by the determination.

If you disagree with that determination, you have the right to file an appeal. Any appeal must be filed in writing within ten (10) calendar days of the date the determination was mailed or hand-delivered to you. You may file an appeal by reporting to your One-Stop Career Center or by writing to your center. Written appeals should include your name and social security number and *must be postmarked within the ten (10) calendar day appeal period.*

You must continue filing mail claims for each week you are unemployed while your claim is under reconsideration or appeal.

If you do not receive another mail claim form within seven (7)-days of the day you sent in your completed mail claim, you should either report in person to your One-Stop Career Center or contact the Call Center at 202-724-7000. The Call Center's telephone lines are open from 8:30 a.m. until 5:00 p.m. every business day.

Free legal representation is available through the Claimant Advocacy Program of the Metropolitan Washington Council, AFL-CIO. Their telephone number is 202-857-3410.

DURATION OF DISQUALIFICATION/ INELIGIBILITY

If you are disqualified for voluntarily leaving, gross misconduct, or for refusing suitable work, the disqualification is for the duration of your unemployment. To requalify, you must return to work for ten (10) weeks, earn at least ten (10) times the weekly benefit amount of your claim, and become unemployed through no fault of your own. Earnings must be from an employer covered by the Unemployment Insurance Program. For example: if your weekly benefit amount is \$100, you must have earnings of at least \$1,000 covering at least ten (10) weeks of work. Weeks of work do not have to be consecutive. You must provide documentation for such employment. A W-2 form, pay stub, or a letter from your employer are acceptable.

For misconduct other than gross misconduct, the disqualification covers the first eight (8) weeks of your claim and the total amount of your benefits is reduced by eight (8) times your weekly benefit amount.

If you are disqualified because of a labor dispute, the disqualification continues for the duration of the labor dispute.

If you are held ineligible because you are not able to work or not available for work, the ineligibility covers the week or weeks that you were not physically able to work or not available for work.

If you are held ineligible because you have a reasonable assurance of continuing employment, the period of ineligibility covers the period between school terms, holiday breaks, or the period between sport seasons.

REDUCTION OF WEEKLY BENEFIT AMOUNT

Your weekly benefit amount may be reduced for the following reasons:

- **Receipt of Pension**

If you are receiving a pension based on any previous work, including a Social Security pension, we will calculate your weekly pension amount and reduce your weekly benefit by this amount. If the weekly pension amount is equal to or greater than your weekly benefit amount, you will receive no benefits.

- **Severance Pay**

If severance pay is made in installments, you will be ineligible for the period for which such payments are made. If severance pay is made in a lump sum but attributable to a specific period of time, you will be ineligible for that specific period of time. If severance pay is made in a lump sum and not attributable to any specific period of time, you will be ineligible for the week in which the lump sum payment is made.

- **Child Support Obligation**

If you owe child support, a deduction of at least twenty-five (25) percent of your weekly benefit amount may be made. The amount deducted will be applied to your child support obligation.

- **Earnings**

Earnings will also reduce your weekly benefit amount. All earnings from work, including self-employment, must be reported on your mail claim. *You must report gross earnings* (before any deductions for taxes, health benefits, etc). *Earnings must be reported for the week in which the work was actually done, regardless of when you are paid.*

If you do not know the actual amount of your wages, provide an estimate by multiplying your hourly wage by the number of hours worked each week. If after receiving your pay check, you discover that your estimate was incorrect, report to your One-Stop Career Center to correct the amount.

Use the following formula to determine what weekly benefit amount you will receive if you are working part time:

A. Add \$20 to your weekly benefit amount

B. Subtract eighty (80) percent of your gross weekly wages. The remainder, rounded down, is your reduced weekly benefit amount.

For example: your weekly benefit amount is \$80, and your gross earnings for the week are \$100. Add \$20 to your weekly benefit amount of \$80 ($\$80 + \$20 = \100). Subtract eighty (80) percent of your \$100 in gross earnings, which is \$80. The remainder is \$20 ($\$100 - \$80 = \$20$). Your reduced weekly benefit amount is \$20.

Note: If you are working full-time, you are not unemployed. Therefore, you are not eligible for benefits, regardless of the

amount of your gross weekly earnings.

OVERPAYMENTS

If you receive benefits to which you are not entitled, you have been overpaid. You will receive a written determination which will explain the amount overpaid and the reason for the overpayment.

Some of the most common reasons for overpayments are:

- Failure to report earnings;
- Incorrectly reporting earnings. For example, “take home” pay, instead of gross earnings;
- Failure to report pensions;
- Back pay award. If you are restored to work with back pay, you are overpaid for the weeks you received unemployment benefits;
- Decision by an Appeals Examiner or the Office of Appeals and Review which overturns an earlier ruling that you were entitled to benefits;
- Continuing to file for benefits after returning to full-time work.

DETECTION OF OVERPAYMENTS

A number of detection techniques are employed to identify individuals who received benefits to which they were not entitled.

These include:

- Random audits of claims;
- Investigation of information received from employers;

- Computerized crossmatches of wages reported by local employers every quarter;
- Computerized crossmatches of wages reported by employers in neighboring states, such as Maryland and Virginia.

REPAYMENT OF OVERPAYMENTS

Individuals who are overpaid are liable to make full repayment. Repayment may be made either in a lump sum or in agreed-upon installments. Future unemployment benefits due may also be withheld to satisfy an outstanding overpayment. *If repayment is not made, legal action may be taken to collect.*

District income tax refunds may be intercepted and applied to unemployment overpayments.

If you are a District government employee, your wages may be attached to recover the overpayment.

PENALTY FOR FRAUD

If you knowingly make false statements or withhold important facts in order to obtain or increase benefits, you may be disqualified for as long as one year beyond your benefit year ending date. You may also be subject to criminal prosecution and possible incarceration.

OBTAINING MAIL CLAIMS

Shortly after you file your claim application, you should receive your first mail claim. If you do not receive your first mail claim within five (5) days of the date you submitted your claim application, you should report to your One-Stop Career Center.

Each mail claim covers a two-week period. The first claim is generally for your waiting period and your first payable week. The waiting period is the first week of eligibility claimed, and you will not receive benefits for this week. After you submit your first mail claim (assuming you meet all eligibility requirements), you will receive your first check which will be for only one week because of the waiting period.

Any check you receive must be cashed within thirty (30)-days of the date of the check.

Attached to your check will be the mail claim for the next two weeks. After this, each time you mail in a completed mail claim, your check along with the next mail claim will be mailed to you.

If you do not receive another mail claim within seven (7)-days of the day you sent in your completed mail claim, you should either report in person to your One-Stop Career Center or contact the Call Center at 202-724-7000. The Call Center's telephone lines are open from 8:30 a.m. until 5:00 p.m. every business day.

If benefits are not payable, you will receive a notice telling you why benefits cannot be paid, and whether you have to report to your One-Stop Career Center.

If there is a break in sending in your mail claims for any reason, you must report to your One-Stop Career Center to restart the mail claim cycle.

SUBMITTING MAIL CLAIMS

The earliest you can mail your claim is the Sunday following the second week ending date.

If you mail your card early, it will be returned to you, and your benefits may be delayed.

To assure prompt payment, you are advised to send in your mail claim on either the Sunday or the Monday following the second week ending date.

The latest you should mail your card is seven (7) calendar days after the second week ending date.

If you mail your claim card late, you may be held ineligible for failure to follow reporting instructions.

MAIL CLAIM INSTRUCTIONS

When you complete your mail claim form every two weeks, please follow these instructions carefully.

- Answer each question for each week by making an “X” in the appropriate YES or NO box beside the question. There are six questions for each of the two weeks on the mail claim.
- If you answer “Yes” to Question Number 2, you must enter the gross earnings amount before any deductions.
- If you answer “Yes” to Question Number 3, you must enter the weekly amount of severance pay.
- Sign and date your claim.
- Mail your claim no earlier than the Sunday following the second week ending date and no later than seven (7)-days after the second week ending date. Mail to the address printed on the mail claim. Please indicate your return address on the envelope.
- Put a stamp on your envelope.
- If you change your name or address, do not mail your claim. Take it, instead, to your One-Stop Career Center. If you have moved out of the Washington metropolitan area,

you need to report to the nearest unemployment office to re-open your claim.

Please follow these instructions carefully. Forms with unanswered questions, forms mailed early, and forms without signatures will be returned and this will delay payment of benefits. Forms mailed late may cause you to lose benefits for the weeks affected.

After mailing your claim form, you should receive within a seven (7)-day period another mail claim for the next two (2) weeks with your check attached or a notice telling you why benefits cannot be paid. If you do not receive your mail claim within that time, you should either report in person to your One-Stop Career Center, or contact the Call Center at 202-724-7000. The Call Center's telephone lines are open from 8:30 a.m. until 5:00 p.m. every business day.

Note: Failure to report in person or call within the specified time may result in loss of benefits for the weeks affected.

FILING BY INTERNET

You may also file your bi-weekly claim form over the Internet. The website address is www.dcnetworks.org. You will need to use the password that we mailed to you when you filed your initial claim. If you do not know your password, you may contact the Call Center at 202-724-7000. You can also use the website to check the status of the last four weeks claimed.

EXCHANGE OF INFORMATION WITH OTHER AGENCIES

This department is required by federal law to provide information from our files upon request to state and local government agencies for the purpose of verifying eligibility for Temporary Assistance to Needy Families (TANF), Medicaid, Food Stamps, Housing Assistance, and Social Security Assistance Programs. Information may also be exchanged

with Child Support Enforcement Agencies.

TAXATION OF BENEFITS

Unemployment Insurance benefits is taxable income. Individuals receiving benefits are required to make estimated quarterly tax payments. These payments are due January 15, April 15, July 15, and October 15. Additional information about estimated taxes may be found in publication 505, "Tax Withholding and Estimated Tax," issued by the Internal Revenue Service.

You have the option of having part of your weekly unemployment compensation benefits withheld in order to satisfy your federal tax obligation. If you agree to this option, ten (10) percent of your weekly benefits will be withheld and forwarded to the Internal Revenue Service.

If you are a District of Columbia resident, you may also request withholding for your District income tax obligation. The withholding will be at five (5) percent.

By January 30, the Department of Employment Services will mail to you Form 1099-UC, which records the total amount of benefits paid to you during the previous calendar year. If you authorized withholding, Form 1099-UI will indicate the total amount withheld. You may also view Form 1099-UI data on the web at www.dcnetworks.org.

EX-MILITARY PERSONNEL

If your Unemployment Insurance is based on federal military service, you must provide the "Member Requests Copy 4" of your form DD-214, "Certificate of Release or Discharge from Active Duty."

EQUAL OPPORTUNITY IS THE LAW

Unemployment Insurance services are provided on a non-discriminatory basis in compliance with Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; The Workforce Investment Act (WIA); the Age Discrimination Act of 1975; and the Americans with Disabilities Act of 1992.

If you believe that you are being discriminated against on the grounds of race, color, national origin, age, sex, religion, disability, political affiliation or belief, participation in WIA, or citizenship, you may file a complaint within 180 days from the date of the alleged violation with the Department of Employment Services' (DOES) Equal Opportunity Officer, 64 New York Avenue, N.E., Room 3611, Washington, D.C. 20002, or you may file a complaint directly with the Director, Directorate of Civil Rights (DCR), U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-4123, Washington, D.C. 20210.

If you elect to file your complaint with DOES, you must wait until we issue a decision or until sixty (60)-days have passed, whichever is sooner, before filing with DCR (see address above). If we have not provided you with a written decision within sixty (60)-days of filing the complaint, do not wait for a decision to be issued, but file a complaint directly with DCR within thirty (30)-days of the expiration of the sixty (60)-day period. If you are dissatisfied with our resolution of your complaint, you may file a complaint with DCR. The complaint must be filed within thirty (30)-days of the date you received our notice of proposed resolution.

Upon request, services are available for the hearing-impaired and customers who do not speak English. Hearing-impaired customers may notify the Department of Employment Services via the D.C. Relay System by calling 202-727-3323.

NOTICE OF NON-DISCRIMINATION

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code Section 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

